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## PART 613—PLANT MATERIALS CENTERS

Sec.

613.1 Purpose.

613.2 Policy and objectives.

613.3 NRCS responsibilities in plant materials.

613.4 Special production of plant materials.

613.5 Plant materials centers.

AUTHORITY: Pub. L. 74-46, 49 Stat. 163 (16 U.S.C. 590a-f); Pub. L. 74-210, 50 Stat. 525 (7 U.S.C. 1010-1011)

SOURCE: 49 FR 12188, Mar. 29, 1984, unless otherwise noted.

### §613.1 Purpose.

This part provides Natural Resources Conservation Service (NRCS) policy on the operations of plant materials centers. The centers have responsibilities for assembling, testing, releasing, and providing for the commercial production and use of plant materials for programs of soil, water, and related resource conservation and development.

### §613.2 Policy and objectives.

(a) It is NRCS policy to assemble, comparatively evaluate, release, and distribute for commercial increase new or improved plant materials needed for broad programs of resource conservation and development for agriculture, wildlife, urban, recreation, and other land uses and environmental needs. It is NRCS policy to conduct plant materials work in cooperation with other agencies of the U.S. Department of Agriculture, such as the Agricultural Research Service, and with other federal and state research agencies including state agricultural experiment stations. The emphasis of the NRCS plant materials work is to find suitable plants for erosion control adapted to soil and site conditions where vegetation is difficult to establish. In contrast, the emphasis of research agencies and organizations in plant development is to improve economically important crops. The NRCS program of testing and releasing new seed-propagated plant materials

follows the guidelines in "Statement of Responsibilities and Policies Relating to the Development, Release, and Multiplication of Publicly Developed Varieties of Seed-Propagated Crops," which was adopted in June 1972 by land grant colleges and interested federal agencies. NRCS releases improved conservation plant materials requiring vegetative multiplication in ways appropriate for particular states and particular species by working with experiment stations, crop improvement associations, and other state and federal agencies.

(b) The objective of the plant materials activity is to select or develop special and improved plants, and techniques for their successful establishment and maintenance to solve conservation problems and needs related to:

(1) Controlling soil erosion on all lands.

(2) Conserving water.

(3) Protecting upstream watersheds.

(4) Reducing sediment movement into waterways and reservoirs through the stabilization of critical sediment sources such as surface mined lands, highway slopes, recreation sites, and urban and industrial development areas.

(5) Stabilizing disposal areas for liquid and solid wastes.

(6) Improving plant diversity and lengthening grazing season on dryland pastures and rangelands.

(7) Replacing brush on mountain slopes with fire-retarding plant cover to reduce the possibility of fires that threaten life and property or result in serious sediment sources.

(8) Improving the effectiveness of windbreaks and shelterbelts for reducing airborne sediment, controlling snow drifting, and preventing crop damage from wind erosion.

(9) Protecting streambank, pond, and lake waterlines from erosion by scouring and wave action.

(10) Improving wildlife food and cover.

(11) Selecting special-purpose plants to meet specific needs for environment protection and enhancement.

(12) Selecting plants that tolerate air pollution agents and toxic soil chemicals.

**§ 613.3 NRCS responsibilities in plant materials.**

NRCS operates or enters into agreements with state universities or other state organizations to operate plant materials centers. NRCS employs specialists for selecting and using plant materials. NRCS responsibilities are to:

(a) Identify the need for suitable plant materials and cultural and management methods in resource conservation and for environmental protection and enhancement.

(b) Assemble and comparatively evaluate plant materials at the plant materials centers and on sites where soil, climate, or other conditions differ significantly from those at the centers.

(c) Make comparative field plantings for final testing of promising plants and techniques in cooperation with conservation districts and other interested cooperators.

(d) Release cooperatively improved conservation plants and maintain the breeder or foundation stocks in ways appropriate for particular state and plant species by working with experiment stations, crop improvement associations, and other state and federal agencies.

(e) Produce limited amounts of foundation or foundation-quality seed and plants available by grant to or by exchange with conservation districts, experiment stations, other federal and state research agencies, and state seed certifying organizations that will use the material to establish seed fields, seed orchards or plantings for vegetative increase.

(f) Encourage conservation districts, commercial seed producers, and commercial and state nurseries to produce needed plant materials for conservation uses and to assist them in this production.

(g) Encourage the use of improved plant materials in resource conservation and environmental improvement programs.

**§ 613.4 Special production of plant materials.**

NRCS can produce plant materials in the quantity required to do a specific conservation job if this production will serve the public welfare and only if the

plant materials are not available commercially. This function will be performed only until the plant materials are available commercially. Specific production of plant materials by NRCS requires the approval of the Chief.

**§ 613.5 Plant materials centers.**

(a) The National Plant Materials Center. The National Plant Materials Center at Beltsville, Maryland, serves as the central facility for assembling, increasing, and determining the characteristics of plant materials from foreign and domestic sources. Plant materials with potential value for conservation and related uses are distributed to other plant materials centers.

(b) Other Plant Materials Centers. There are 23 other plant materials centers. Each serves several major land resource areas. Seventeen of these other centers are operated by NRCS, and six by cooperating agencies, as follows:

(1) Operated by NRCS:

Tucson, Arizona  
 Lockeford, California  
 Brooksville, Florida  
 Americus, Georgia  
 Molokai, Hawaii  
 Aberdeen, Idaho  
 Manhattan, Kansas  
 Quicksand, Kentucky  
 East Lansing, Michigan  
 Coffeeville, Mississippi  
 Elsberry, Missouri  
 Bridger, Montana  
 Cape May Courthouse, New Jersey  
 Big Flats, New York  
 Corvallis, Oregon  
 Knox City, Texas  
 Pullman, Washington

(2) Operated by cooperating agencies with financial and technical assistance from NRCS:

Los Lunas, New Mexico (New Mexico State University)  
 Bismarck, North Dakota (North Dakota Association of Soil Conservation Districts)  
 Meeker, Colorado (White River and Douglas Creek Soil Conservation Districts with partial funding from NRCS)

(3) Operated by cooperating agencies with technical assistance from NRCS:

Palmer, Alaska (State of Alaska)  
 Kingsville, Texas (Caesar Kleberg Wildlife Research Institute, Texas Agricultural and Industrial University, and South Texas Association of Conservation Districts)

Nacogdoches, Texas (Stephen F. Austin University and the East Texas Association of Conservation Districts)

## PART 614—APPEAL PROCEDURES

### Subpart A—General Provisions

Sec.

- 614.1 Purpose and scope.
- 614.2 Definitions.
- 614.3 Applicability.
- 614.4 Reservation of authority.
- 614.5 Decisions not subject to appeal.

### Subpart B—Appeals of Technical Determinations Related to the Conservation Title (Title XII) of the Food Security Act of 1985, as Amended

- 614.100 Applicability.
- 614.101 Notice of preliminary technical determinations.
- 614.102 Mediation of preliminary technical determinations.
- 614.103 Final determinations.
- 614.104 Appeals of technical determinations.

### Subpart C—Appeals of Decision Related to Conservation Programs (non-Title XII)

- 614.200 Applicability.
- 614.201 Notice of final decisions.
- 614.202 Time frames for filing requests for informal hearings.
- 614.203 Mediation of adverse final decisions.
- 614.204 Appeals of adverse final decisions.

AUTHORITY: 5 U.S.C. 301, sections 226 and 275 of Pub. L. 103-354 (7 U.S.C. 6932 and 6995); 16 U.S.C. 3843(a).

SOURCE: 60 FR 67313, Dec. 29, 1995, unless otherwise noted.

### Subpart A—General Provisions

#### § 614.1 Purpose and scope.

This part sets forth the informal procedures under which a landowner or program participant may appeal adverse technical determinations or decisions made by officials of the Natural Resources Conservation Service (NRCS) or its successor agency.

#### § 614.2 Definitions.

*Adverse technical determination or decision* includes, in addition to the definition of adverse decision in 7 CFR part 11, an NRCS technical determination or decision that affects the legal substantive status of the land, though it may not necessarily be adverse.

*Chief* means the Chief of NRCS. For the purposes of this part, the term “Chief” includes an official of NRCS national headquarters designated by the Chief to act for the Chief in making decisions under this part.

*Conservation district* means any district or unit of State or local government formed under State law or territorial law for the express purpose of developing and carrying out a local soil and water conservation program. Such district or unit of government may be referred to as a conservation district, soil conservation district, soil and water conservation district, natural resource district, land conservation committee, or a similar name.

*County committee* means a Farm Service Agency (FSA) county or area committee established in accordance with section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)).

*Decision* means a conclusion reached by an NRCS official based on applicable regulations and program instructions which relates to eligibility for program benefits, including a technical determination used as a basis for the decision.

*Designated conservationist* means the NRCS official, usually the district conservationist, whom the State Conservationist designates to be responsible for the program or compliance requirement to which this part is applicable.

*Mediation* means a process in which a neutral third party, the mediator, meets with the disputing parties (e.g., the landowner or program participant and the agency), facilitates discussions, and works with the parties to resolve their disputes, narrow areas of disagreement, and improve communications and relationships. A mediator has no authority to render a decision or determination.

*Preliminary technical determination* means the initial written technical determination provided to a client which will become final after 30 days unless the client takes action in accordance with § 614.101 to stay the preliminary technical determination from becoming final.

*State Conservationist* means the NRCS official in charge of NRCS operations